

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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David Levoyd Reed,

Plaintiff,

v.

James Dzurenda, et al.,

Defendants.

Case No. 2:19-cv-00326-JAD-BNW

ORDER

Before the Court is plaintiff David Levoyd Reed's motion for issuance of summonses. ECF No. 23. The Court will construe the motion as one to issue summonses and to effect service of process. Reed proceeds in form pauperis ("IFP") and he is therefore entitled to the Court's aid in issuing and serving all process. Accordingly, his motion will be granted.

I. Background.

Reed initiated this matter with an application for leave to proceed in forma pauperis and an accompanying complaint asserting claims under 42 U.S.C. § 1983. ECF No. 1. Reed brought certain claims against defendants Paul Karsky and Julio Corral-Lagarda, and those claims survived screening by the district judge. ECF No. 13 at 19.

This Court granted IFP status to Reed and ordered that service be complete by February 2020. ECF No. 19. Nevada's Office of the Attorney General declined to accept service on behalf of Karsky and Corral-Lagarda. Instead, the Attorney General filed those defendants' last-known addresses under seal at ECF No. 21. Reed filed the underlying motion within the time that the Court allotted for service. ECF No. 23.

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1 **II. Discussion.**

2 This Court construes Reed’s motion as one to issue summonses for—and to effect service
3 of process upon—Karsky and Corral-Lagarda.¹ When a party proceeds in forma pauperis, the
4 Court “shall issue and serve all process.” 28 U.S.C. § 1915(d); *Puett v. Blandford*, 912 F.2d 270,
5 273 (9th Cir. 1990) (“a party proceeding in forma pauperis is entitled to have the summons and
6 complaint served by the U.S. Marshal.”).²

7 Here, Reed proceeds IFP and he has viable claims against Karsky and Corral-Lagarda.
8 Accordingly, Reed is entitled to the Court’s aid in issuing and serving all process and the Court
9 will therefore grant his motion. Further, because Reed timely filed his motion for service, and
10 because the failure to effect service within the time allotted was not his fault, the Court finds good
11 cause to extend the time for service upon Karsky and Corral-Lagarda for an additional sixty days
12 from this Court’s order. Fed. R. Civ. P. 4(m); *Spinks v. Placer Cnty.*, No. 2:15-cv-00671-JMA-
13 KJN, 2018 WL 1316981, at *2 (E.D. Cal. Mar. 14, 2018) (citing *Mann v. Am. Airlines*, 324 F.3d
14 1088, 1090 (9th Cir. 2003)).

15 **III. Conclusion.**

16 IT IS THEREFORE ORDERED that Reed’s motion for issuance of summonses (ECF No.
17 23) is GRANTED.

18 IT IS FURTHER ORDERED that the time for service upon defendants Karsky and Corral-
19 Lagarda is extended an additional sixty days from today’s order.

20 IT IS FURTHER ORDERED that the Clerk of Court send Reed three blank copies of form
21 USM-285.

22 IT IS FURTHER ORDERED that Reed shall have twenty days in which to furnish the U.S.
23 Marshals Service with the required USM-285 forms.³ On the forms, Reed must leave blank the
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25 ¹ Pro se filings must “be liberally construed.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

26 ² Section 1915(d) dovetails with Rule 4, which provides that upon the request of a plaintiff
27 authorized to proceed in forma pauperis, the Court “must” order “that service be made by a United States marshal or
28 deputy or by a person specifically appointed by the court.” FED. R. CIV. P. 4(c)(3).

³ The U.S. Marshals Service is located at 333 South Las Vegas Boulevard, Suite 2058, Las Vegas,
Nevada 89101.

1 defendants' last-known addresses. The U.S. Marshals Service will acquire these addresses from
2 the Attorney General's sealed filing at ECF No. 21.

3 IT IS FURTHER ORDERED that the Clerk of Court issue summonses, under seal, to
4 defendants Paul Karsky and Julio Corral-Lagarda, using the addresses under seal at ECF No. 21.

5 IT IS FURTHER ORDERED that the Clerk of Court serve a copy of this order, the sealed
6 and issued summonses, and the operative complaint (ECF No. 14) on the U.S. Marshals Service.

7 IT IS FURTHER ORDERED that upon receipt of the USM-285 forms from plaintiff, the
8 U.S. Marshal shall, in accordance with Federal Rule of Civil Procedure 4(c)(3), attempt service on
9 defendants Paul Karsky and Julio Corral-Lagarda at their last known addresses, filed under seal at
10 ECF No. 21.

11 DATED: July 15, 2020

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14 BREND A WEKSLER
15 UNITED STATES MAGISTRATE JUDGE
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